

Serial No.: 09/954,446

REMARKS

Applicants respectfully request reconsideration of this patent application, particularly in view of the above Amendment and the following remarks.

Amendment to the Claims

Applicants have amended Claims 2, 12 and 16 to place such claims into independent form. Applicants have accordingly cancelled Claims 1, 11 and 15. In addition, Applicants have correspondingly amended the dependency of Claims 4, 6, 8, 10, 13, 14, 18-20 and 22. As such, each independent claim now requires that the opening of at least one louver of the plurality of louvers results in a corresponding closing of at least one other louver of the plurality of louvers to control air flow between the upper manifold and the lower manifold. In addition, Applicants have added the limitation of Claim 8 to Claim 12 and the limitation of Claim 21 to Claim 16. Applicants urge that the above amendments add no new matter to the application. There is no fee for the above Amendment as the total number of claims is twenty or less and the total number of independent claims is three or less.

Applicants' Claimed Invention

Applicants' invention, in Claim 2 as amended, requires a cooking oven comprising: a cooking chamber in fluid communication with respect to a heat exchanger; a conveyor extending through the cooking chamber; a plurality of louvers connected both above and below the conveyor, the plurality of louvers adjustable to

Serial No.: 09/954,446

control the air flow between the top of the conveyor and the bottom of the conveyor; and an adjustment arm connected with respect to the plurality of louvers, the adjustment arm opening at least one louver of the plurality of louvers and correspondingly closing at least one other louver of the plurality of louvers to control air flow between the top of the conveyor and the bottom of the conveyor. In addition, Claim 12 requires that the plurality of louvers extend along a length of the conveyor. Finally, Claim 16 further requires that the plurality of louvers are arranged in a first plurality in an array relative to the upper manifold and in a second plurality in an array relative to the lower manifold.

Drawings

The Examiner has accepted the formal drawings filed on 19 February 2002.

Claims Rejection - 35 U.S.C. §103 THE LUCKE PATENT IN VIEW OF THE GEBHARDT ET AL. PATENT AND THE SMITH ET AL. PATENT

The Examiner has rejected Claims 1-25 under 35 U.S.C. §103 as unpatentable over Lucke, U.S. Patent 5,211,106, in view of Gebhardt et al., U.S. Patent 6,044,833 and further in view of Smith et al., U.S. Patent 4,965,435. Applicants respectfully traverse this rejection in view of the above Amendment and the following remarks.

Serial No.: 09/954,446

The Examiner alleges that the Lucke Patent teaches a cooking oven having a cooking chamber with an air recirculation loop, a conveyor, an upper manifold, a lower manifold and a plurality of louvers and baffles connected with respect to the upper and lower manifolds for controlling air flow between the manifolds. The Examiner acknowledges that the Lucke Patent does not teach a plurality of louvers directing air flow to each of the upper manifold and the lower manifold, an adjustment arm for the louvers, a curved heat exchanger and a plurality of interchangeable modules.

The Examiner alleges that the Gebhardt et al. Patent teaches a curved/serpentine heat exchanger and that it would be obvious for one having skill in the art to combine the teachings of the Gebhardt et al. Patent with the teachings of the Lucke Patent.

In addition, the Examiner alleges that the Smith et al. Patent teaches a cooking oven having a manual adjustment arm extending from the oven for external operation of a louver inside the oven. The Examiner further alleges that the Smith et al. Patent teaches a plurality of separate and individual modules and that such teachings render certain claims of the subject invention obvious in view of the combination with the Lucke Patent and/or the Gebhardt et al. Patent.

As discussed above, Applicants have amended the claims to require that an adjustment arm, connected with respect to the plurality of louvers, opens at least

Serial No.: 09/954,446

one louver of the plurality of louvers and correspondingly closes at least one other louver of the plurality of louvers to control air flow between the upper manifold and the lower manifold. The Lucke Patent appears to teach a pair of baffles 44, 46 that control the flow of air into the upper and lower spaces 30, 32. Nowhere does the Lucke Patent teach or suggest a control arm that opens one or more louvers and correspondingly closes one or more other louvers to distribute air flow between an upper manifold and a lower manifold. The Examiner alleges that the Smith et al. Patent, which teaches a gate that manually opens and closes to distribute air between two plenums, when combined with the teachings of the Lucke Patent renders the claimed invention obvious. Applicants urge that the Smith et al. Patent does not teach or suggest a plurality of louvers arranged in arrays that extend along a length of a conveyor and are correspondingly opened and closed by an adjustment arm. Nowhere do the cited references teach or suggest a group of louvers positioned above and below the conveyor that may be opened to direct air flow into an upper manifold and then correspondingly closed relative to the lower manifold to further effect such desired air flow.

Applicants invention requires a corresponding movement between two groups of louvers. The cited prior art does not teach or suggest such a responsive opening and closing of two groups of louvers. The Smith et al. Patent teaches a gate that swings between two positions and the Lucke Patent teaches a pair of independent

Serial No.: 09/954,446

louvers. A combination of these references would result in a pair of independently moveable louvers, not a group of louvers that open and close in response to an opposite action of a second group of louvers. In addition, numerous louvers, as herein claimed by Applicants, provide a more efficient control of air flow than a single large gate disclosed in the Smith et al. Patent resulting in the ability of Applicants' claimed invention to quickly and efficiently adjust air flow and therefore temperatures on the cooking surface.

In addition, the cited references, alone or in combination, do not teach or suggest a plurality of louvers extending along at least a portion of a length of a conveyor, as required in amended Claim 12. Instead, each of the Smith et al. Patent and the Lucke Patent, individually or in combination, teach a baffle or gate positioned at an inlet of the air flow at a front end of a conveyor. As a result, the air flow is not redirected along the path of the food product on the conveyor and is only controlled at an inlet end of the conveyor. On the contrary, the invention of amended Claim 12 requires, as shown in Fig. 18, a plurality of louvers positioned at least partially along a length of the conveyor.

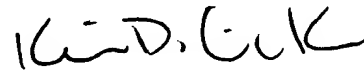
Applicants urge that the cited art does not teach or suggest Applicants' claimed invention as required by 35 U.S.C. §103.

Serial No.: 09/954,446

CONCLUSION

In view of the above Amendment and remarks, Applicants sincerely believe that Claims 2-10, 12-14 and 16-25 of this patent application are now in condition for allowance and early allowance is respectfully requested.

Respectfully submitted,



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